

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

Brittany Petry

v.

Texas Department of Criminal Justice

Case No.: 1:18-CV-373

BILL OF COSTS

Judgment having been entered in the above entitled action on 07/08/2021 against Brittany Petry,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	<u>879.75</u>
Fees and disbursements for printing	_____
Fees for witnesses (<i>itemize on page two</i>)	<u>1,179.84</u>
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (<i>please itemize</i>)	<u>2,304.22</u>
TOTAL	\$ <u>4,363.81</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: _____

s/ Attorney: Christopher Lee LindseyName of Attorney: Christopher Lee Lindsey

For: Texas Department of Criminal Justice
Name of Claiming Party

Date: 07/15/2021

Taxation of Costs

Costs are taxed in the amount of 4363.81 and included in the judgment.

David A. O'Toole
 Clerk of Court

By: B. Carter
 Deputy Clerk

6/19/21
 Date

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME, CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Kathy Lester, Lumberton, TX	2	80.00			94	52.64	\$132.64
David Turrubiate, Kountze, TX	2	80.00			84	47.04	\$127.04
Jesus Llamas, Pasadena, TX	2	80.00	2	178.50	166	92.96	\$351.46
Schuyler Levias, Beaumont, TX	3	120.00			30	16.80	\$136.80
Christopher Carter, Jasper, TX	3	120.00	3	233.50	140	78.40	\$431.90
							\$0.00
					TOTAL		\$1,179.84

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

Print

Save As...

Reset

AFFIDAVIT OF CHRISTOPHER LINDSEY

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned authority, personally appeared CHRISTOPHER LEE LINDSEY, known to me to be the person whose name is subscribed to the following instrument, and having been duly sworn, upon her oath, deposes and states as follows:

“My name is Christopher Lee Lindsey. I am over the age of 21 years; have never been convicted of a crime involving moral turpitude; and I am fully competent and able to testify herein. I am fully aware, cognizant, and have personal knowledge of all the facts set forth herein. I am able to swear, and I do hereby swear, that all said facts and statements herein contained are true and correct.

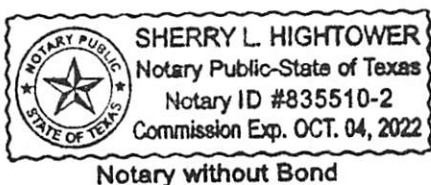
I represent Defendant Texas Department of Criminal Justice (TDCJ) in the lawsuit styled *Brittany Petry v. Texas Department of Criminal Justice*. I have been the attorney of record TDCJ since September 22, 2020, and attest that all of the costs incurred, as set forth in the attached bill of costs, are correct and have been necessarily incurred in this case. Further, the services for which these costs have been charged were actually performed.

Further affiant sayeth not.”



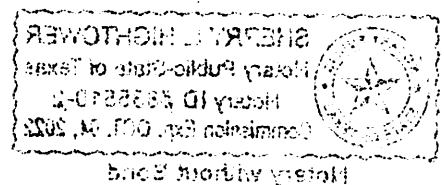
CHRISTOPHER LEE LINDSEY

SUBSCRIBED and SWORN TO before me, this 15th day of July, 2021.



NOTARY PUBLIC, State of Texas
My commission expires:

Oct 4, 2022





INTEGRITY

legal support solutions

P.O. Box 245 | Manchaca, Texas 78652

20201208008164

INVOICE

Date	Invoice #
12/3/2020	15399

RECEIVED

By OAG Accounting DIV at 5:26 pm, Dec 03, 2020

Bill To	Cause No.
Office of the Attorney General Accounting Office P.O. Box 12548 Capital Station Austin, TX 78711-2548	1;18-CV-00373
	Style
	Brittany Petry vs. Texas Department of Criminal Justice

Atty:	Christopher Lindsey	Legal Asst:	Nicholas Larkin	Division	Law Enforcement Defence
Vendor ID	Tax ID	P.O. No.	AG No.	Location	
1264073074800	26-4073074	302-18-0273	CX6555601056	Austin	

Date	Description	Quantity	Rate	Amount
11/17/2020	GS1 - Administrative expenses, including but not limited to per diem, meals, phone charges, paper and other office supplies, office space and reproduction services within a one hundred (100) mile radius of vendor's office will be categorized as local travel and must be included in vendor's base charge. (Court Reporter Per Diem)	1.0	110.00	110.00
	DEPO1 - A one-time base fee that may be charged per deposition to include Original transcript, one (1) copy of transcript, one (1) e-transcript, and a keyword index. Delivery of transcript. File the Reporter's Certificate with the Court as required by the appropriate rules of procedure. Produce deposition transcript in Amicus, ASCII, Summation, Visionary, Relativity, Trial Director, or specified electronic format.	1.0	75.00	75.00
	DEPO35 - Transcript, Per page, ten business day turnaround - Brittany Petry	153.0	5.75	879.75
	DEPO ASSUMPTION - Videotaped Deposition (DEPO: \$0.50 additional surcharge for each applicable variable: Videotaped, Expert (Incl. Medical and Technical), Translated)	153.0	0.50	76.50
	DEPO21 - Copying pages in Exhibit less than fifty (50) pages (Oversized, Black & White).	45.0	0.75	33.75
	Subtotal			1,175.00
	VIDEO2 - Video recording per hour	4.5	125.00	562.50
	VIDEO4 - Transferring video clips to media specified	4.0	20.00	80.00
	Subtotal			642.50
Optional Text - Limit 100 Characters:				

Thank you for the opportunity to work with you.

TOTAL \$1,817.50

Phone #	Fax #	Web Site
512-320-8690	512-320-8692	www.integrity-texas.com

AG Case number:

STATE OF TEXAS

TRAVEL VOUCHER

Page 1 of 3

1. Archive Reference Number	2. Agency Number 302	3. Agency Name Office of the Attorney General				4. Current Document Number 11T01113	
	5. Effective Date 07/07/2021	6. Doc Date 07/06/2021	7. Doc Agency 302	8. FY 21	9. Document Amount \$1,028.68		
10. Pay To: Christopher Lindsey 300 W. 15th St , Austin, TX 78701					11. Title Assistant Attorney General IV		
					12. Designated Headquarters Austin		
13. Texas Identification Number 70003162842SP1			14. Agency Use Contact Name/Phone: Sherry Hightower/512/475-3567				

15. SFX	APPN	TC	FUND	PCA	AY	COBJ	AMOUNT
001		225		10120	21	7101	\$ 252.88
002		225		10120	21	7102	\$ 33.20
003		225		10120	21	7105	\$ 155.56
004		225		10120	21	7106	\$ 564.00
005		225		10120	21	7135	\$ 23.04

16. Service Date 06/27/2021 to 07/02/2021	17. Description AG Case Number: CX6555601056
----------------------------------------------	-------------------------------------------------

18. DISTRIBUTION					AMOUNT
Expense Itemization for In-State Travel:					
Fares, Public Transportation	Other Fares: \$0.00	Airfare: \$0.00	Rental Car: \$252.88		\$252.88
Personal Car Mileage (In-State Mileage Total in Y)			59.30 Miles x \$0.560		\$33.20
Meals and/or Lodging (totals in J + K or L, if applicable)					\$564.00
Hotel Occupancy Tax					\$23.04
Hotel Incidental Expenses					\$34.56
Rental Car Fuel					\$66.00
Parking	ABIA Parking				\$55.00
Expense Itemization for Out-of-State Travel:					
Fares, Public Transportation	Other Fares: \$0.00	Airfare: \$0.00	Rental Car: \$0.00		\$0.00
Personal Car Mileage (Out-of-State Mileage Total in Y)			0.00 Miles x \$0.560		\$0.00
Meals and/or Lodging (totals in V + W, or X, if applicable)					\$0.00
Less Travel Advance					\$0.00
TOTAL					\$1,028.68

19. I certify that the expense account shown above is true, correct, and unpaid.				
Approval Step	Assigned To	Actual Approver	Status	Date/Time
Traveler Approval	Christopher Lindsey	Christopher Lindsey	Approved	07/06/2021 06:21:49 PM
Division Chief Approval	Shanna Molinare	Shanna Molinare	Approved	07/07/2021 09:41:05 AM
Accounting Review # 1	Melanie Salyers	Melanie Salyers	Submitted	07/08/2021 09:44:19 AM
Accounting Review # 2	Accounting Queue	Jenny Repschleger	Approved	07/09/2021 09:41:37 AM

CONTINUATION**TRAVEL VOUCHER**

Page 2 of 3

IN-STATE MEALS AND LODGING												ACTUAL EXPENSE		
A. Leave Headquarters				B. Arrive Headquarters				C. Meals Non-Overnight not to exceed \$36	D. Meals not to exceed Maximum Rate	E. Lodging not to exceed Maximum Rate	F. TOTAL			
Date	Hour	Min	m.	Date	Hour	Min	m.					G. Meals	H. Lodging	I. TOTAL
06/27/2021	2	00	PM					\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
06/28/2021								\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
06/29/2021								\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
06/30/2021								\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
				07/01/2021	10	00	PM	\$0.00	\$36.00	\$0.00	\$36.00	\$0.00	\$0.00	\$0.00
J. TOTAL MEALS NON OVERNIGHT								\$0.00	K. TOTAL MEALS AND LODGING		\$564.00	L. TOTAL ACTUAL EXPENSE		\$0.00

OUT-OF-STATE MEALS AND LODGING												ACTUAL EXPENSE		
M. Leave Headquarters				N. Arrive Headquarters				O. Meals Non-Overnight not to exceed \$36	P. Meals not to exceed Maximum Rate	Q. Lodging not to exceed Maximum Rate	R. TOTAL			
Date	Hour	Min	m.	Date	Hour	Min	m.					S. Meals	T. Lodging	U. TOTAL
V. TOTAL MEALS NON OVERNIGHT								\$0.00	W. TOTAL MEALS AND LODGING		\$0.00	X. TOTAL ACTUAL EXPENSE		\$0.00

Date	Y. Information Required by TexTravel and Other Pertinent Information	Mileage Point to Point*
COST COMPARISON CALCULATOR(S): - 06/27/2021 - 07/01/2021 (Petry373): --- I acknowledge that the traveler is only claiming POV mileage to/from the airport to catch a flight or flying to a duty point and obtaining a rental. --- I acknowledge that the traveler is ride sharing or coordinating travel with other OAG employees that are traveling to the same duty point, on the same dates, with the same itinerary to conduct the same official state business (excluding POV mileage to and from the airport to board a flight). This requires a multiple traveler justification. ----- Multiple Traveler Justification: Due to the complexity of the case, two attorneys are required to attend trial. LODGING: - Comptroller Contract Exceptions: --- 06/27/2021 - 06/30/2021: (c) Unavailability of Contract Travel Services		
06/27/2021	AAG Lindsey left his place of residence before 2:00 pm and drive his POV to ABIA for a departure flight at 5:00 pm. Upon arrival into HOU, AAG Lindsey picked up contract rental vehicle and drove to non-contract hotel and prepared for trial the next day. Exception C @ unavailability of travel contract services. A large vehicle was warranted because of materials for trial and luggage because of trial. During this time period the agency was under a mandatory telecommute policy and attorneys were working from home. Hours: 7:00 am- 4:00 pm Food: \$36.00 ABIA Parking \$11.00	29.60
06/28/2021	AAG Lindsey and his rideshare left the non-contract hotel and attended trial. Upon completion of trial on this date, AAG Lindsey and his rideshare returned to non-contract hotel. Food: \$36.00 ABIA Parking \$11.00	
06/29/2021	AAG Lindsey and his rideshare left the non-contract hotel and attended trial. Upon completion of trial on this date, AAG Lindsey and his rideshare returned to non-contract hotel. Food: \$36.00 ABIA Parking \$11.00	
06/30/2021	AAG Lindsey and his rideshare left the non-contract hotel and attended trial. Upon completion of trial on this date, AAG Lindsey and his rideshare returned to non-contract hotel. Food: \$36.00 ABIA Parking \$11.00	
07/01/2021	AAG Lindsey and his rideshare checked out of non-contract hotel, finish up the trial and waited for verdict to come in. Verdict was ready around 5:00 pm and AAG Lindsey and his rideshare cancelled airline reservations in HOU and drove back to Pflugerville, Texas, arriving at 10:00 pm.	29.70

CONTINUATION**TRAVEL VOUCHER**

Page 3 of 3

Date	Y. Information Required by TexTravel and Other Pertinent Information	Mileage Point to Point*
	Food: \$36.00 ABIA Parking \$11.00 Rental Car Fuel: \$66.00	
07/02/2021	AAG Lindsey then returned AVIS Rental vehicle on this date in the morning. AAG Lindsey then drove to his place of residence.	

* Show point-to-point breakdown,
including intra-city mileage claims

IN-STATE MILEAGE TOTAL (I)	59.30
-----------------------------------	--------------

OUT-OF-STATE MILEAGE TOTAL (O)	0.00
---------------------------------------	-------------

STATE OF TEXAS

DRAFT
TRAVEL VOUCHER

Page 1 of 3

1. Archive Reference Number	2. Agency Number 302	3. Agency Name Office of the Attorney General				4. Current Document Number 11T01114	
	5. Effective Date 07/09/2021	6. Doc Date 07/09/2021	7. Doc Agency 302	8. FY 21	9. Document Amount \$753.10		
10. Pay To: Courtney Corbello 300 W. 15th St , Austin, TX 78701					11. Title Assistant Attorney General III		
					12. Designated Headquarters Austin		
13. Texas Identification Number 70046018381SP1			14. Agency Use Contact Name/Phone: Sherry Hightower/512/475-3567				

15. SFX	APPN	TC	FUND	PCA	AY	COBJ	AMOUNT
001		225		10120	21	7102	\$ 30.80
002		225		10120	21	7105	\$ 135.26
003		225		10120	21	7106	\$ 564.00
004		225		10120	21	7135	\$ 23.04

16. Service Date 06/27/2021 to 07/01/2021	17. Description AG Case Number: CX6555601056
----------------------------------------------	-------------------------------------------------

18. DISTRIBUTION				AMOUNT
Expense Itemization for In-State Travel:				
Fares, Public Transportation	Other Fares: \$0.00	Airfare: \$0.00	Rental Car: \$0.00	\$0.00
Personal Car Mileage (In-State Mileage Total in Y)		55.00 Miles x \$0.560		\$30.80
Meals and/or Lodging (totals in J + K or L, if applicable)				\$564.00
Hotel Occupancy Tax				\$23.04
Hotel Incidental Expenses				\$34.56
Rental Car Fuel				\$50.70
Parking	ABIA Parking			\$50.00
Expense Itemization for Out-of-State Travel:				
Fares, Public Transportation	Other Fares: \$0.00	Airfare: \$0.00	Rental Car: \$0.00	\$0.00
Personal Car Mileage (Out-of-State Mileage Total in Y)		0.00 Miles x \$0.560		\$0.00
Meals and/or Lodging (totals in V + W, or X, if applicable)				\$0.00
Less Travel Advance				\$0.00
TOTAL				\$753.10

19. I certify that the expense account shown above is true, correct, and unpaid.				
Approval Step	Assigned To	Actual Approver	Status	Date/Time
Traveler Approval	Courtney Corbello	Courtney Corbello	Approved	07/09/2021 03:07:13 PM
Division Chief Approval	Shanna Molinare	Shanna Molinare	Approved	07/09/2021 03:16:57 PM
Accounting Review # 1	Melanie Salyers	Melanie Salyers	Submitted	07/12/2021 11:52:51 AM

CONTINUATIONDRAFT
TRAVEL VOUCHER

Page 2 of 3

IN-STATE MEALS AND LODGING												ACTUAL EXPENSE		
A. Leave Headquarters				B. Arrive Headquarters				C. Meals Non-Overnight not to exceed \$36	D. Meals not to exceed Maximum Rate	E. Lodging not to exceed Maximum Rate	F. TOTAL	G. Meals	H. Lodging	I. TOTAL
Date	Hour	Min	m.	Date	Hour	Min	m.							
06/27/2021	2	00	PM					\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
06/28/2021								\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
06/29/2021								\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
06/30/2021								\$0.00	\$36.00	\$96.00	\$132.00	\$0.00	\$0.00	\$0.00
				07/01/2021	10	00	PM	\$0.00	\$36.00	\$0.00	\$36.00	\$0.00	\$0.00	\$0.00
J. TOTAL MEALS NON OVERNIGHT								\$0.00	K. TOTAL MEALS AND LODGING		\$564.00	L. TOTAL ACTUAL EXPENSE		\$0.00

OUT-OF-STATE MEALS AND LODGING												ACTUAL EXPENSE		
M. Leave Headquarters				N. Arrive Headquarters				O. Meals Non-Overnight not to exceed \$36	P. Meals not to exceed Maximum Rate	Q. Lodging not to exceed Maximum Rate	R. TOTAL	S. Meals	T. Lodging	U. TOTAL
Date	Hour	Min	m.	Date	Hour	Min	m.							
V. TOTAL MEALS NON OVERNIGHT								\$0.00	W. TOTAL MEALS AND LODGING		\$0.00	X. TOTAL ACTUAL EXPENSE		\$0.00

Date	Y. Information Required by TexTravel and Other Pertinent Information	Mileage Point to Point*
COST COMPARISON CALCULATOR(S): - 06/27/2021 - 07/01/2021 (Petry373): --- I acknowledge that the traveler is only claiming POV mileage to/from the airport to catch a flight or flying to a duty point and obtaining a rental. --- I acknowledge that the traveler is ride sharing or coordinating travel with other OAG employees that are traveling to the same duty point, on the same dates, with the same itinerary to conduct the same official state business (excluding POV mileage to and from the airport to board a flight). This requires a multiple traveler justification. ----- Multiple Traveler Justification: Due to the complexity of the case, two attorneys are required to attend trial. LODGING: - Comptroller Contract Exceptions: --- 06/27/2021 - 07/01/2021: (c) Unavailability of Contract Travel Services		
06/27/2021	AAG Corbello left her place of residence at around 2:00 pm and drove her POV to ABIA for a departure flight scheduled at 5:00 pm. Upon arrival into HOU (which the flight was extremely late) was a rideshare with AAG Lindsey to the non-contract hotel to prepare for trial the next day. Exception C @ unavailability of travel contract services. Due to the complexity of the trial, two attorneys were required to attend the trial. AAG Lindsey obtained and paid for a rental car for this trip and AAG Corbello incurred some of the cost of refueling the rental car while conducting state business. Hotel receipt lists two guests in error; traveler was the only person who stayed in the room. Hours: 7:00 am - 4:00 pm Food: \$36.00 ABIA Parking \$10.00 Gas for Rental: 43.30	27.30
06/28/2021	AAG Corbello was a rideshare from the non-contract hotel with AAG Lindsey to the federal courthouse to begin trial. Upon completion of trial on this date, AAG Corbello was a rideshare with AAG Lindsey back to the non-contract hotel. Food: \$36.00 ABIA Parking \$10.00 Gas for Rental: 7.40	
06/29/2021	AAG Corbello was a rideshare from the non-contract hotel with AAG Lindsey to the federal courthouse to begin trial. Upon completion of trial on this date, AAG Corbello was a rideshare with AAG Lindsey back to the non-contract hotel. Food: \$36.00 ABIA Parking \$10.00	
06/30/2021	AAG Corbello was a rideshare from the non-contract hotel with AAG Lindsey to the federal courthouse to begin trial. Upon completion of trial on this date, AAG Corbello was a rideshare with AAG Lindsey back to the non-contract hotel. Food: \$36.00 ABIA Parking \$10.00	
07/01/2021	AAG Corbello checked out of the non-contract hotel and was a rideshare with AAG Lindsey to the federal courthouse to complete the trial. The trial finished and the jury was working on their verdict. The jury finally finished at 5:00 pm with the verdict and AAG Corbello	27.70

CONTINUATION**DRAFT
TRAVEL VOUCHER**

Page 3 of 3

Date	Y. Information Required by TexTravel and Other Pertinent Information	Mileage Point to Point*
	<p>and AAG Lindsey decided to drive back to Austin, Texas arriving at 10:00 pm. AAG Lindsey dropped AAG Corbello off at ABIA to get her car and she drove her POV to her place of residence.</p> <p>Food: \$36.00 ABIA Parking \$10.00</p>	

* Show point-to-point breakdown,
including intra-city mileage claims

IN-STATE MILEAGE TOTAL (I) 55.00

OUT-OF-STATE MILEAGE TOTAL (O) 0.00

From: [Repschleger, Jenny](#)
To: [Lindsey, Christopher](#)
Subject: costs for 6/27-7/1/21 trip
Date: Thursday, July 15, 2021 3:32:49 PM

LINDSEY 27JUN Houston Hobby TX:

-

Christopher Lindsey:

Total airfare paid: \$235.43

Total fees paid: \$26.79

Grand total: **\$262.22**

Courtney Corbello

Total airfare paid: \$235.43

Total fees paid: \$24.79

Grand total: **\$260.22**

Regards,

Jenny Repschleger

Travel Manager

Office of the Attorney General

300 West 15th Street

Austin, Texas 78701

(512)475-3782